

REMARKS

Reconsideration and withdrawal of the rejections of the claims and objections to the drawings, in view of the amendments and remarks herein, is respectfully requested. Claims 1-4 and 6-15 are amended, and claims 31-32 are added. The amendments are intended to advance the application and are not intended to concede to the correctness of the Examiner's position or to prejudice the prosecution of the claims present prior to amendment, which claims are present in a continuation of the above-identified application. Claims 1-32 are pending.

Claims 1-4, 6-18 and 20-28 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendment to claim 1, to recite that the anti-oxidant inhibitor inhibits glutathione synthesis, obviates the § 112 "written description" rejection.

Claims 1-4, 6-18 and 20-28 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection, as it may be maintained with respect to the pending claims, is respectfully traversed.

In particular, the Examiner asserts that the specification does not provide guidance 1) that animals other than rats can be used to arrive at the claimed invention, and 2) that the claimed non-human animal exhibits a wide variety of neurological diseases.

The specification discloses that administration of a combination of an A β compound, at least one pro-oxidative compound, and at least one anti-oxidant inhibitor results in impaired performance in memory and learning tests and induces abnormal neuropathology in a brain. Thus, it is well within the skill of the art, in view of Applicant's specification, to determine whether administration of a combination of an A β compound, at least one pro-oxidative compound, and at least one anti-oxidant inhibitor to any non-human animal such as a rodent results in impaired performance in memory and learning tests and induces abnormal neuropathology in a brain. It is also well within the skill of the art to determine or detect the neuropathology induced by a particular treatment. See, e.g., Geula et al. (Nat. Med., 4:827 (1998), of record), Gotz et al. (Mol. Psych., 9:664 (2004), of record), and Vaughan et al. (J. Neuropath. Exp. Neurol., 40:472 (1981), a copy is enclosed herewith)

The Examiner asserts that Geula et al. (Nat. Med., 4:827 (1998)) and Gotz et al. (Mol. Psych., 9:664 (2004)) show that non-human mammalian Alzheimer's models are unpredictable. Geula et al. disclose the administration of fibrillar Abeta into monkey and rat brains, and Gotz et al. disclose that synthetic Abeta₄₂ fibrils were administered to mice brains. As neither Geula et al. nor Gotz et al. disclose administering a combination of agents to non-human animals to induce neuropathology, those documents have no relevance as to the predictability of the effect of the administration a combination of an A β compound, at least one pro-oxidative compound, and at least one anti-oxidant inhibitor to a non-human mammal.

The Examiner cites Huang et al. (J. Biol. Chem., 274:37111 (1999)) to support the proposition that the administration of Abeta from any species does not necessarily produce amyloid. Huang et al. speculate that this is "probably due to the three amino acid substitutions" in the rodent homolog (page 37111). Given this recognition, it is certainly within the skill of the art worker to select or screen for an appropriate Abeta to administer to a non-human animal to result in neuropathology.

Therefore, withdrawal of the § 112(1) enablement rejections is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

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Date

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7th day of June 2007.

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